

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

JUDGE David Folsom

DATATREASURY

V.

U.S. BANCORP

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§  
§  
§  
§

CIVIL ACTION NO. 5:11CV108

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ATTORNEYS FOR PLAINTIFF: Anthony Bruster; Ben King; Nelson Roach;  
Shephard Lane

ATTORNEYS FOR DEFENDANT: John Feldhaus; Guy Harrison;

LAW CLERK: Evelyn Chen

COURT REPORTER: Libby Crawford

COURTROOM DEPUTY: Mel Martin

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**SCHEDULING CONFERENCE**

September 19, 2011 @ 10:30 a.m.

OPEN: \_\_\_\_\_ 10:32 ADJOURN: 10:44

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10:32 ct opens; ct/ Randle Patents (sp); date for Markman or trial setting;

10:33 Bruster/ prior Markman orders govern

10:33 Feldhaus/ would hate to stipulate at this point

10:33 ct/ give it some thought and if no requested tweaking of prior order then we don't need to set one; by Friday 9/30th let me know by letter whether you suggest a new Markman hrg is necessary or not; suggest setting it for trial in October of 2012;

10:35 Feldhaus/ address' the ct;

10:35 ct/ file motion by the 30<sup>th</sup> also;

10:35 Feldhaus/ address' the ct

10:36 ct/ if both ptys agree it should be stayed, if opposed then I will either stay or not; have motion to stay;

10:36 Bruster/ different details;

10:37 ct/ Randle group

10:37 Bruster/ conferred on this, dfts need status conference in that new case; plf would like to follow model when Ballard stay was lifted;

10:38 Feldhaus/ situation is different from the first case;

10:38 ct/ totally new set of claims; what do ptys suggest; want to brief this issue; initial thoughts would be inclined to enter a new scheduling order and treat it as a new case;

10:39 Bruster/ address' the ct;

10:39 ct/ where were we with it when it was severed;

10:39 Feldhause/ responds;

10:40 ct/ had we conducted a claim construction of the Randle; by same deadline, 9/30th, submit short briefs and 5 days to reply; no more than 10 pages; same time frame submit competing scheduling orders;

10:41 Feldhaus/ are we going to be the only dfts in the Randle case;

10:42 Bruster/ responds;

10:42 ct/ would be useful to the ct to know

10:42 Feldhaus/ if The Clearinghouse is going to be in I would like to confer with them about the scheduling order

10:43 Bruster/ responds

10:43 ct/ in brief give as much guidance as possible re: more ptys being added; all other settling dfts were released; at most it would only be Clearinghouse; will try to have something out as quickly as possible;

10:44 recess